

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

EDWARD JAMES LALIBERTE,

Plaintiff,

v.

KILOLO KIJAKAZI,  
Acting Commissioner of Social Security,

Defendant.

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Civil Action No. 21-cv-10651-ADB

**ORDER**

BURROUGHS, D.J.

Edward James Laliberte (“Mr. Laliberte”) brought this action pursuant to Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), challenging the final decision of the Commissioner of the Social Security Administration (the “Commissioner”) denying his claim for Social Security Disability Insurance (“SSDI”) benefits. [ECF No. 1]. The Court previously granted Mr. Laliberte’s motion for an order reversing the Commissioner’s decision denying his disability benefits, [ECF No. 22], and denied the Commissioner’s motion to affirm the decision, [ECF No. 27]. See [ECF No. 44 (“Order”)]. Presently before the Court is the Commissioner’s Motion for Reconsideration of the Court’s Order and Judgment, pursuant to Federal Rule of Civil Procedure 59(e), [ECF No. 46], which is unopposed.

Under Rule 59(e), a party may move to alter or amend a judgment within twenty-eight days of the entry of judgment. Fed. R. Civ. P. 59(e). “Rule 59(e) relief is granted sparingly, and only when ‘the original judgment evidenced a manifest error of law, if there is newly discovered evidence, or in certain other narrow situations.’” Biltcliffe v. CitiMortgage, Inc., 772 F.3d 925,

930 (1st Cir. 2014) (quoting Global Naps, Inc. v. Verizon New Eng., Inc., 489 F.3d 13, 25 (1st Cir. 2007)).

The Court found that there was substantial evidence in the record to support the administrative law judge's Step 2 severity determination. See, e.g., [Order at 16]. As the Commissioner has correctly pointed out, "the First Circuit has explained that a court 'must affirm the [Commissioner]'s resolution, even if the record arguably could justify a different conclusion, so long as it is supported by substantial evidence,'" [ECF No. 47 at 3 (quoting Rodriguez Pagan v. Sec'y of Health & Hum. Servs., 819 F.2d 1, 3 (1st Cir. 1987))]; 42 U.S.C. § 405(g), and even in the context of Step 2, see [id.] (citing Santiago Serra v. Sec'y of Health & Hum. Servs., 915 F.2d 1556, No. 90-1066, 1990 WL 152332, at \*2 (1st Cir. Sept. 10, 1990))].

As such, the Commissioner's motion, [ECF No. 46], must be GRANTED. Therefore, upon reconsideration, Mr. Laliberte's motion for an order reversing the Commissioner's decision denying his disability benefits, [ECF No. 22], is DENIED, and the Commissioner's motion to affirm the decision, [ECF No. 27], is GRANTED. The Commissioner's decision is AFFIRMED.

**SO ORDERED.**

March 14, 2024

/s/ Allison D. Burroughs  
ALLISON D. BURROUGHS  
U.S. DISTRICT JUDGE